

THIRTY-NINTH DAY

(Tuesday, March 23, 1943)

The Senate met at 10:05 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Bullock was granted leave of absence for today on account of illness, on motion of Senator Mauritz.

Senator Chadick was granted leave of absence for today on account of important business, on motion of Senator Beck.

Senators Fain, Formby, Spears, Kelley, and Lemens were granted leaves of absence for today on account of official business, on motion of Senator Metcalfe.

Reports of Standing Committees

Senator Weinert submitted the following report:

Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 328, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Senator Graves submitted the following report:

Austin, Texas,
March 22, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred H. B. No. 109, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

GRAVES, Chairman.

Senator Brownlee submitted the following report:

Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Governor's Nominations to whom was referred S. R. No. 60, have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass as amended.

BROWNLEE, Chairman.

Senator Moffett submitted the following reports:

Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 193, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 245, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee amendment and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 60, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 326, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 126, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee substitute pass in lieu thereof and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. C. R. No. 34, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Senator Lovelady submitted the following report:

Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Education to whom was referred S. B. No.

308, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

LOVELADY, Chairman.

Hour for Executive Session Set

On motion of Senator Brownlee, and by unanimous consent, the Senate agreed to hold an executive session at 11:30 o'clock a. m. today.

Senate Resolution 62

Senator Moore, by unanimous consent, offered at this time the following resolution:

Whereas, Our esteemed colleague, the Honorable Pat Bullock, is ill and at the present time is in the hospital; now, therefore, be it

Resolved by the Senate of Texas, That we extend to him our sympathy in his illness and wish for him a speedy recovery; and be it further

Resolved, That the Secretary of the Senate be instructed to send flowers to him as a token of our sympathy and friendship.

MOORE,
MORRIS,
SHIVERS,
MOFFETT,
WEINERT,
WINFIELD,
STONE.

Signed—Aikin, Beck, Brownlee, Chadick, Cotten, Fain, Formby, Graves, Hazlewood, Jones, Kelley, Lane, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Morris, Ramsey, Shivers, Spears, Stone, Sulak, Vick, Weinert, Winfield, and York.

On motion of Senator Aikin, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted.

House Bills on First Reading

The following House bills, received from the House on yesterday, were laid before the Senate, read first time, and referred to the committees indicated.

H. B. No. 638, to Committee on Game and Fish.

H. B. No. 621, to Committee on Game and Fish.

H. B. No. 606, to Committee on Game and Fish.

H. B. No. 603, to Committee on Counties and County Boundaries.

H. B. No. 583, to Committee on Game and Fish.

H. B. No. 582, to Committee on Game and Fish.

H. B. No. 572, to Committee on Game and Fish.

H. B. No. 564, to Committee on Game and Fish.

H. B. No. 519, to Committee on Game and Fish.

H. B. No. 510, to Committee on Counties and County Boundaries.

H. B. No. 508, to Committee on Public Health.

H. B. No. 483, to Committee on Game and Fish.

H. B. No. 480, to Committee on Game and Fish.

H. B. No. 479, to Committee on Game and Fish.

H. B. No. 475, to Committee on State Highways and Motor Traffic.

H. B. No. 458, to Committee on Finance.

H. B. No. 457, to Committee on Educational Affairs.

H. B. No. 446, to Committee on Counties and County Boundaries.

H. B. No. 430, to Committee on Civil Jurisprudence.

H. B. No. 429, to Committee on Game and Fish.

H. B. No. 428, to Committee on Civil Jurisprudence.

H. B. No. 426, to Committee on Educational Affairs.

H. B. No. 415, to Committee on Agricultural Affairs.

H. B. No. 400, to Committee on Banking.

H. B. No. 398, to Committee on Banking.

H. B. No. 396, to Committee on Game and Fish.

H. B. No. 388, to Committee on Game and Fish.

H. B. No. 368, to Committee on Counties and County Boundaries.

H. B. No. 352, to Committee on State Affairs.

H. B. No. 347, to Committee on Game and Fish.

H. B. No. 336, to Committee on Highways and Motor Traffic.

H. B. No. 331, to Committee on Public Lands and Land Office.

H. B. No. 324, to Committee on State Affairs.

H. B. No. 316, to Committee on State Affairs.

H. B. No. 314, to Committee on Educational Affairs.

H. B. No. 298, to Committee on Civil Jurisprudence.

H. B. No. 297, to Committee on County and County Boundaries.

H. B. No. 295, to Committee on Agricultural Affairs.

H. B. No. 292, to Committee on Privileges and Elections.

H. B. No. 291, to Committee on Agricultural Affairs.

H. B. No. 263, to Committee on Game and Fish.

H. B. No. 228, to Committee on Game and Fish.

H. B. No. 227, to Committee on Game and Fish.

H. B. No. 207, to Committee on Towns and City Corporations.

H. B. No. 187, to Committee on Highways and Motor Traffic.

H. B. No. 158, to Committee on State Institutions and Departments.

H. B. No. 150, to Committee on Stock and Stock Raising.

H. B. No. 99, to Committee on Counties and County Boundaries.

H. B. No. 98, to Committee on Privileges and Elections.

H. B. No. 72, to Committee on Civil Jurisprudence.

H. B. No. 67, to Committee on Towns and City Corporations.

H. B. No. 61, to Committee on Public Lands and Land Office.

H. B. No. 43, to Committee on Counties and County Boundaries.

H. B. No. 36, to Committee on Criminal Jurisprudence.

House Concurrent Resolutions Referred

The following concurrent resolutions, previously received from the House, were read and referred to the committee indicated:

H. C. R. No. 69, to Committee on State Affairs.

H. C. R. No. 68, to Committee on State Affairs.

H. C. R. No. 28, to Committee on State Affairs.

Senate Bill 161 Set as Special Order

Senator Moore moved that S. B. No. 161 be set for a special order on Wednesday or Thursday of this week immediately after the disposition of the House bills on the calendar for either day, or for Monday, March 29, 1943, immediately after the completion of the morning call, in case the bill is not reached on Wednesday or Thursday.

The motion prevailed by the following vote:

Yeas—18

Aikin	Moore
Beck	Morris
Brownlee	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Vick
Lovelady	Weinert
Martin	Winfield
Moffett	York

Nays—4

Lane	Mauritz
Lanning	Sulak

Absent

Cotten	Metcalf
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Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

Senate Resolution 60

(Brazos River Conservation and Reclamation District)

On motion of Senator Lovelady, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time (the resolution having been reported today by the Committee on Nominations of the Governor):

S. R. No. 60, Providing for the appointment of a committee to investigate the activities of the Brazos River Conservation and Reclamation District and the Brazos River Transmission Electric Cooperative, Inc.

Senator Lovelady offered the following (committee) amendments to the resolution:

(1)

Amend S. R. No. 60 by adding the following at the end of paragraph B in the resolving clause:

"Not later than September 1, 1943."

AIKIN,
MOFFETT.

(2)

Amend S. R. No. 60 by striking out in Subdivision (f) the word "shall" and inserting therein the word "may" immediately after the words "such committee."

MOORE.

(3)

Amend S. R. No. 60 by adding the following at the end of paragraph G of the resolving clause:

"However, the total authorization for expenditures to be made under the terms of this resolution shall be limited to the sum of \$1,250.00."

AIKIN,
MOFFETT.

(4)

Amend S. R. No. 60 by adding the following at the end of the resolving clause:

"Be It Further Resolved, That by the adoption of this resolution, the Senate of Texas does not make or attempt to make findings of fact on the correctness or incorrectness of the statements included in this resolution."

MOORE.

The amendments were adopted severally.

The resolution as amended was adopted.

Motion to Reconsider Vote

Senator Metcalfe moved to reconsider the vote by which the Senate agreed to hold an executive session at 11:30 o'clock a. m. today.

The motion was lost by the following vote:

Yeas—9

Graves	Shivers
Lanning	Sulak
Mauritz	Vick
Metcalf	Weinert
Moffett	

Nays—13

Aikin	Moore
Beck	Morris
Brownlee	Ramsey
Hazlewood	Stone
Jones	Winfield
Lane	York
Lovelady	

Absent

Cotten	Martin
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Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following resolutions:

S. C. R. No. 35, Recalling S. B. No.
237 from the Governor's office for
purpose of making certain corrections,
etc.

H. C. R. No. 71, Requesting that
H. B. No. 635 be returned for further
consideration.

H. C. R. No. 72, Extending an in-
vitation to Mr. Anthony Eden to
address a joint session of the Texas
Legislature.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Reports of Standing Committee

Senator Winfield, by unanimous
consent, submitted at this time the
following report:

Austin, Texas,
March 24, 1943.

Hon. John Lee Smith, President of
the Senate:

Sir: We, your Committee on Bank-
ing to whom was referred H. B. No.
400, have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass and
be not printed.

WINFIELD, Chairman.

Austin, Texas,
March 24, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: We, your Committee on Bank-
ing to whom was referred H. B.
No. 398, have had the same under
consideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass and
be not printed.

WINFIELD, Chairman.

Senate Joint Resolution 5 on Second Reading

Senator Ramsey moved that the
regular order of business be sus-
pended to take up for consideration
at this time:

S. J. R. No. 5, Proposing an amend-
ment to the Constitution of the State
of Texas by amending Sections 1, 16,
18, 24, and 28 of Article 5, Section
40 of Article 16, Section 56 of Article
3, and revoking and repealing Section
19 of Article 5, so as to do away
with justices of the peace and con-
stables, and conferring upon the
county courts jurisdiction of all cases
civil and criminal formerly within
the jurisdiction of the courts of
justices of the peace.

The motion prevailed by the
following vote:

Yeas—19

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Vick
Lanning	Weinert
Lovelady	Winfield
Mauritz	

Nays—5

Lane	Sulak
Martin	York
Stone	

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

The President laid the resolution
before the Senate, and it was read
second time.

Senator Ramsey offered the following amendment to the resolution:

Amend S. J. R. No. 5 by striking out all below the resolving clause and inserting in lieu thereof the following:

"Section 1. That Section 18 of Article 5 of the Constitution of the State of Texas be amended so as to read as follows:

"Sec. 18. Each organized county in the State now or hereafter existing, shall be divided from time to time, for the convenience of the people, into precincts, not less than four and not more than eight. The present county courts shall make the first division. Subsequent divisions shall be made by the commissioners' court, provided for by this Constitution. In each such precinct there shall be elected at each biennial election, one justice of the peace who shall hold his office for two years and until his successor shall be elected and qualified; provided that in any precinct in which there may be a city of eight thousand (8,000) or more inhabitants, there shall be elected two justices of the peace. Each county shall in like manner be divided into four commissioners' precincts in each of which there shall be elected by the qualified voters thereof one county commissioner, who shall hold his office for two years and until his successor shall be elected and qualified. The county commissioners so chosen, with the county judge, as presiding officer, shall compose the county commissioners' court, which shall exercise such powers and jurisdiction over all county business, as is conferred by this Constitution and the laws of the State, or as may be hereafter prescribed."

"Sec. 2. That Section 24 of Article 5 of the Constitution of the State of Texas be amended so as to read as follows:

"Sec. 24. County judges, county attorneys, clerks of the District and County Courts, justices of the peace, and other county officers may be removed by the judges of the District Courts for incompetency, official misconduct, habitual drunkenness, or other causes defined by law, upon the cause therefor being set forth in writing and the finding of its truth by a jury."

"Sec. 3. That Section 56 of Article 3 of the Constitution of the State of Texas be amended so as to read as follows:

"Sec. 56. The Legislature shall not, except as otherwise provided in this Constitution, pass any local or Special Law, authorizing:

"The creation, extension or impairing of liens;

"Regulating the affairs of counties, cities, towns, wards or school districts;

"Changing the names of persons or places;

"Changing the venue in civil or criminal cases;

"Authorizing the laying out, opening, altering, or maintaining of roads, highways, streets or alleys;

"Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State;

"Vacating roads, town plats, streets or alleys;

"Relating to cemeteries, graveyards or public grounds not of the State;

"Authorizing the adoption or legitimation of children;

"Locating or changing county seats;

"Incorporating cities, towns or villages, or changing their charters;

"For the opening and conducting of elections, or fixing or changing the places of voting;

"Granting divorces;

"Creating offices, or prescribing the powers and duties of officers, in counties, cities, towns, election or school districts;

"Changing the law of descent or succession;

"Regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before courts, justices of the peace, sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate;

"Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, and magistrates;

"Regulating the management of public schools, the building or repairing of school houses, and the raising of money for such purposes;

"Fixing the rate of interest;

"Affecting the estates of minors, or persons under disability;

"Remitting fines, penalties, and forfeitures, and refunding moneys legally paid into the treasury;

"Exempting property from taxation;

"Regulating labor, trade, mining and manufacturing;

"Declaring any named person of age;

"Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor collector of taxes from the due performance of his official duties, or his securities from liability;

"Giving effect to informal or invalid wills or deeds;

"Summoning or empannelling grand or petit juries;

"For limitation of civil or criminal actions;

"For incorporating railroads or other works of internal improvements;

"And in all cases where a General Law can be made applicable, no local or Special Law shall be enacted; provided, that nothing herein contained shall be construed to prohibit the Legislature from passing Special Laws for the preservation of the game and fish of this State in certain localities."

"Sec. 4. The foregoing Constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held throughout the State in November, 1944, at which all ballots shall have printed thereon 'For the Constitutional Amendment doing away with Constables' and 'Against the Constitutional Amendment doing away with Constables.' Each voter shall scratch out one of said clauses on the ballot, leaving the one expressing his vote on the proposed amendment.

"Sec. 5. The Governor shall issue the necessary proclamation for said election and have the same published as required by the Constitution and Laws of this State. The expense of publication and election for such

amendment shall be paid out of proper appropriation made by law."

Senator Morris offered the following amendment to the amendment:

Amend amendment to S. J. R. No. 5 by striking out Section 3 and substituting in lieu thereof the following:

"Sec. 3. That Section 18 of Article 5 of the Constitution of the State of Texas be amended so as to read as follows:

"Sec. 18. Each organized county in the State now or hereafter existing, shall be divided from time to time, for the convenience of the people, into four (4) precincts. The present county courts shall make the first division. Subsequent divisions shall be made by the commissioners' court provided for by this Constitution. In each such precinct there shall be elected at each biennial election, one justice of the peace, who shall hold his office for two years and until his successor shall be elected and qualified. Each county shall in like manner be divided into four commissioners' precincts in each of which there shall be elected by the qualified voters thereof one county commissioner, who shall hold his office for two years and until his successor shall be elected and qualified. The county commissioners so chosen, with the county judge, as presiding officer, shall compose the county commissioners court, which shall exercise such powers and jurisdiction over all county business, as is conferred by this Constitution and the laws of this State, or as may be hereafter prescribed."

Yeas and nays were demanded, and the amendment to the amendment was lost by the following vote:

Yeas—9

Aikin	Mauritz
Cotten	Metcalfe
Graves	Morris
Hazlewood	Winfield
Lanning	

Nays—15

Beck	Moffett
Brownlee	Moore
Jones	Ramsey
Lane	Shivers
Lovelady	Stone
Martin	Sulak

Vick
Weinert

Absent—Excused

Bullock
Chadick
Fain
Formby

York
Kelley
Lemens
Spears

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—16

Aikin	Moffett
Beck	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Lanning	Sulak
Mauritz	Weinert
Metcalfe	Winfield

Nays—8

Brownlee	Martin
Jones	Stone
Lane	Vick
Lovelady	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

The resolution as amended was passed to engrossment by the following vote:

Yeas—16

Aikin	Moore
Beck	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Sulak
Lanning	Vick
Mauritz	Weinert
Metcalfe	Winfield

Nays—8

Brownlee	Martin
Jones	Moffett
Lane	Stone
Lovelady	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

Resolution Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled resolution:

S. C. R. No. 35, Recalling S. B. No. 237 from the Governor for correction.

Request to Take up House Bill 10

Senator Vick asked unanimous consent that H. B. No. 10 be called from the table for further consideration by the Senate at this time.

There was objection to the request.

Committee Substitute Senate Bill 256 on Second Reading

On motion of Senator Hazlewood, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

C.S.S.B. No. 256, A bill to be entitled "An Act amending Section 3a of Article 695c, entitled the Public Welfare Act of 1939, being S. B. No. 36, as passed by the Regular Session of the Forty-sixth Legislature of the State of Texas, under Chapter 8 of the Revised Civil Statutes of the State of Texas, to provide that the State Board of Public Welfare shall appoint an executive director within ten days from the effective date of this Act who shall serve until January 1, 1945, and shall thereafter appoint an executive director biennially to serve for a term of two years; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Committee Substitute Senate Bill 256 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 256 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Brownlee
Beck	Cotten

Graves	Moore
Hazlewood	Morris
Jones	Ramsey
Lane	Shivers
Lanning	Stone
Lovelady	Sulak
Martin	Vick
Mauritz	Weinert
Metcalf	Winfield
Moffett	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

Senate Bill 199 on Second Reading

On motion of Senator Mauritz, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 199, A bill to be entitled "An Act authorizing the State of Texas to invest certain funds in Defense Bonds or other obligations of the United States of America, and authorizing any political subdivision of the State of Texas which heretofore has issued and sold bonds and is unable to obtain labor and materials to carry out the purpose for which the bonds were issued may invest the proceeds now on hand in Defense

Bonds or other obligations of the United States of America; providing that whenever war time or any other regulations shall permit such political subdivisions to acquire the necessary labor and materials the bonds of the United States in which said proceeds are invested shall be sold or redeemed and the proceeds of said bonds shall be used for the purpose for which the bonds of any such subdivision were authorized; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 199 on Third Reading

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 199 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Jones
Beck	Lane
Brownlee	Lanning
Cotten	Lovelady
Graves	Martin
Hazlewood	Mauritz

Metcalfe	Stone
Moffett	Sulak
Moore	Vick
Morris	Weinert
Ramsey	Winfield
Shivers	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

House Concurrent Resolution 71

On motion of Senator Stone, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 71, Recalling H. B. No. 635 from the Governor for further consideration.

The President laid the resolution before the Senate and it was read and was adopted.

Conference Committees on House Bills 159 and 197

The President announced the appointment of the following conferees on the part of the Senate:

On H. B. No. 159—Senators Aikin, Lanning, Metcalfe, Winfield, and Weinert.

On H. B. No. 197—Senators Lovelady, Lane, Moffett, Brownlee, and Beck.

Executive Session

At 11:30 o'clock a. m., the President announced the arrival of the hour for an executive session of the Senate and ordered the floor and the galleries cleared of all those not entitled to attend the executive session and directed all doors leading from the Chamber to be closed and guarded.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following appointments by the Governor had been confirmed by the Senate:

To be District Attorney of the 100th Judicial District, to fill the unexpired term of Hon. John Deaver, resigned:

Sam Hamilton of Memphis, Hall County.

To be Members of the Board of Directors of the Agricultural and Me-

chanical College of Texas for six year terms expiring January 10, 1949:

Raleigh White of Brady, McCulloch County;

F. M. Law of Houston, Harris County.

To be Branch Pilots for the Galveston Bar and Houston Ship Channel for two year terms expiring March 11, 1945:

Captain Henry Corry of Houston, Harris County;

Captain H. C. Cage of Houston, Harris County;

Captain W. E. Dunlap of Houston, Harris County;

Captain Roy C. Blodgett of Houston, Harris County.

To be Members of the State Board of Education, terms expiring January 1, 1949:

Fred Wemple of Midland, Midland County;

Clyde W. Hanks of Palestine, Anderson County.

To be a Member of the State Board of Education to fill the unexpired term of Honorable Joe Frost, resigned, term to expire January 1, 1947:

Dr. Austin M. Long of Valley Mills, Bosque County.

To be a Member of the State Board of Education to fill the unexpired term of Honorable Max Junker, resigned, term to expire January 1, 1945:

Herman C. Custard of Cleburne, Johnson County.

To be a Member of the State Board of Hairdressers and Cosmetologists, term to expire August 9, 1947:

Mrs. Lillie Stone of Commerce, Hunt County.

To be Members of the State Board of Medical Examiners for six year terms expiring April 13, 1949:

Dr. S. T. Pulliam of Houston, Harris County;

Dr. M. M. Brown of Mexia, Limestone County;

Dr. Will E. Watt of Austin, Travis County.

To be Members of the State Board of Nurse Examiners for six year terms expiring April 9, 1949:

Mrs. Eloween Mesch of San Antonio, Bexar County;

Sister Antonia O'Donahue of Dallas, Dallas County.

The Secretary of the Senate further informed the Journal Clerk that the Senate had refused to confirm the following nomination by the Governor:

To be a Member of the State Board of Education, term expiring January 1, 1949:

M. A. Childers, San Antonio, Bexar County, Texas.

In Legislative Session

The President called the Senate to order as in legislative session at 12:25 o'clock p. m.

Senate Concurrent Resolution 34

On motion of Senator Cotten, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 34, Authorizing J. H. Reagan to sue the State.

The President laid the resolution before the Senate, it was read second time and was adopted.

Adjournment

Senator Vick moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

FORTIETH DAY

(Wednesday, March 24, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

A quorum was announced present. Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senators Fain, Formby, Kelley, Lemens, and Spears were granted leaves of absence for today on account of official business, on motion of Senator Metcalfe.

Senator Bullock was granted leave of absence for today on account of illness, on motion of Senator Mauritz.

Senator Chadick was granted leave of absence for today on account of important business, on motion of Senator Beck.

Reports of Standing Committees

Senator Weinert submitted the following reports:

Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 428, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 430, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 298, have had the same under consideration, and I am in-